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Outside the Law

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✓ The Central Intelligence Agency has not shown any valid reason for its demands for exemption from a bill designed to protect the privacy of Federal employees. ✓ Senator Ervin hardly overstated the case when he asserted that the agency was seeking an "unmitigated right to kick Federal employees around." This "right" is sought, of course, in the name of national security; and there is no question that the CIA needs to screen its personnel with the utmost care. But national security is not served by disregarding the rights of Government employees.

As reported to the Senate, the Ervin bill already contains an amendment exempting the CIA and the National Security Agency from provisions which prohibit Federal agencies from asking their employees about their religion, sexual activities or family relationships. There is no reason for such an exemption and no reason why any Federal agency should intrude so offensively upon areas of privacy. Government investigators have too often been known to make such inquiries wantonly and pruriently. They demean the Government itself as well as the individuals involved. And it is highly doubtful that they yield information of the slightest value in determining the trustworthiness of employees.

To make matters worse, moreover, these offensive inquiries are commonly undertaken in conjunction with lie detector tests. Lie detector tests ought to be forbidden in determining qualification for employment in any Federal agency—and especially an agency affecting national security—if for no other reason than that they are, like the reading of tea leaves or other forms of divination, notoriously unreliable.

The CIA and the NSA are now seeking exemption, in addition, to provisions of the Ervin bill which give Federal employees the right to have legal counsel present during disciplinary hearings and which permit employees to bring suits to enforce their rights. These are elements of due process designed to insure fairness in dealing with employees, and there is no reason why sensitive agencies should be empowered to deal with personnel arbitrarily and capriciously.

Senator Ervin gave the CIA and the NSA ample opportunity to present their case for exemption in the course of committee hearings. Instead, they chose, after the bill had been reported out, to state their objections in a letter stamped "Secret" and in private conversations with Senators; and for this purpose they have persuaded the Senate to postpone a vote on the bill. One can hardly help supposing that their arguments are so specious that they will not bear inspection. We commend to the Senate Lord Acton's wise observation that "Everything secret degenerates, even the administration of justice; nothing is safe that does not show it can bear discussion."

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